

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

APOLINAIRE Z. TRA

v.

SEARS, ROEBUCK AND COMPANY

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Civil No. – JFM-15-3207

MEMORANDUM

Plaintiff has instituted this action for employment discrimination against Sears, Roebuck and Company. Defendant has filed a motion to compel arbitration. The motion will be granted.

The only claim made by plaintiff in opposing the motion to compel arbitration is that plaintiff did not agree to arbitrate his discrimination claims. The claim is not well founded. Plaintiff clicked on a computer screen indicating that he acknowledged that he had received the arbitration policy/agreement and agreed to its terms. Further, he did not opt out of the agreement as he was given the right to do. Under these circumstances there is no basis for holding that plaintiff did not knowingly enter into the arbitration agreement. This is in accord with federal policy favoring arbitration. *See Perry v. Thomas*, 482 U.S. 483, 490 (1987); *Moses H. Cone Mem'l Hosp. v. Alercury Constr. Corp.*, 460 U.S. 1, 24-25 (1983). There is also no question that the dispute between the parties is covered by the arbitration clause. The agreement clearly covers claims brought under the Civil Rights Act of 1964.

A separate order granting defendant's motion to compel arbitration is being entered herewith.

Date: 4/13/16

CLERK'S OFFICE
AT BALTIMORE

J. Frederick Motz

United States District Judge

2016 APR 13 PM 4:01

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND